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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): NVDA/P000802

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Application Number	Filed
10/603,416	June 24, 2003

First Named Inventor: Thomas A. MAUFER

Art Unit	Examiner
2439	Jenise E. Jackson

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

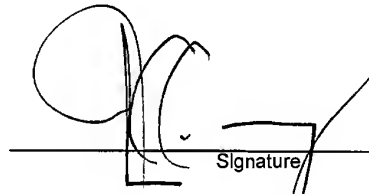
This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
  See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.
  Registration number 51,530
- ☐ attorney or agent acting under 37 CFR 1.34.
  Registration number _____



Signature

John C. Carey

Typed or printed name

713-623-4844

Telephone number

May 19, 2009

Date

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MAUFER et al.	§	Group Art Unit: 2139
Serial No.: 10/603,416	§	Confirmation No.: 3444
Filed: June 24, 2003	§	Examiner: Jenise E. Jackson
For: NETWORK PROTOCOL PROCESSING FOR FILTERING PACKETS	§	

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL CONFERENCE BRIEF

Dear Sir:

In conjunction with the Pre-Appeal Brief Request for Review filed herewith, Applicant requests a Panel review of the Final Rejection in this matter (see the Final Office Action dated February 19, 2009). Although the remarks herein are focused on a specific factual issue raised by the rejection, nothing in this paper is meant to limit the scope of any arguments, either factual or legal, that Applicant may later present in a full appeal brief.

QUESTIONS FOR REVIEW

The following is intended as a full and complete response to the Final Office Action dated February 19, 2009, having a shortened statutory period for response set to expire on May 19, 2009. The Examiner rejected claims 1-9, 14, 19, 27, 29, 31, 36-41 and 52 under 35 U.S.C. §102(e) as being anticipated by Goldberg (U.S. 2004/0013112).

Specifically, Applicants disagree with the Examiner's position that Goldberg teaches or suggests the limitations of determining that the MAC destination address included in the packet information is included in an entry in an address resolution table, and obtaining an ART index associated with the MAC destination address from the entry in the address resolution table, where the ART index is an index into the state table for locating an entry in the state table.

ARGUMENTS SUBMITTED

Claim 1 recites the limitations of determining that a MAC destination address included in a packet is included in an entry in an address resolution table. Goldberg does not teach or suggest these limitations.

Goldberg discloses a technique for packet filtering of packets received over a network. In Goldberg, if an active session is an address resolution protocol session, then the packet filtering is performed by tracking the connection state of the session and determining whether the session behavior is within the limits of the address resolution protocol (see Goldberg at paragraph [0067]). In the Advisory Action, the Examiner cites this portion of Goldberg to teach the limitations of the MAC destination address included in the entry in the address resolution table. However, Applicants still disagree with the Examiner because this portion of Goldberg, like the other portions of the reference, does not include any specific details of the packet filtering performed during an ARP session and only generally teaches that the connection state of the session is tracked. Specifically, Goldberg does not disclose a MAC destination address included in a packet nor an address resolution table. Therefore, Goldberg cannot teach or suggest the limitations of determining that the MAC destination address is included in the entry in the address resolution table, as explicitly recited in claim 1.

In addition claim 1 recites the limitations of obtaining an address resolution table (ART) index associated with the MAC destination address from the entry in the address resolution table and storing the ART index and packet information in a data structure associated with a state table. Goldberg does not teach or suggest these limitations either.

Goldberg teaches a hash calculator that, upon receiving a packet, computes a hash of the socket associated with the packet. The hash result is used to locate a hash pointer in a hash table that identifies a specific list of sessions in a session table (see Goldberg at paragraph [0073]). In the Advisory Action, the Examiner equates the hash result to the claimed ART index. Applicants respectfully disagree with the Examiner's position for the following two reasons. First, in Goldberg, the hash result is computed based on the socket information included in the packet. In contrast, the recited ART index is obtained from the entry in the address resolution. Second, the hash result is only used to identify a list of sessions stored in the session table. Nowhere does

Goldberg teach that the hash result is then stored in the session table or in a data structure associated with the session table. In contrast, claim 1 expressly recites the limitations of storing the ART index in a data structure associated with a state table.

As the foregoing illustrates, Laksono fails to teach or suggest each and every limitation of claim 1. Therefore, this reference cannot anticipate claim 1 or claims 2-9, dependent thereon. For this reason, Applicants submit that claims 1-9 are in condition for allowance.

Independent claims 14 and 31 recite limitations similar to those discussed in conjunction with claim 1. Therefore, claims 14 and 31 are allowable for at least the same reasons as allowable claim 1. The remaining claims depend on either allowable claim 11 or 18 and are, therefore, also in condition for allowance.

Respectfully submitted,

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